



## Ontario: Annual Statutes

---

1988

# c 58 Occupational Health and Safety Amendment Act, 1988

Ontario

© Queen's Printer for Ontario, 1988

Follow this and additional works at: [http://digitalcommons.osgoode.yorku.ca/ontario\\_statutes](http://digitalcommons.osgoode.yorku.ca/ontario_statutes)

---

### Bibliographic Citation

*Occupational Health and Safety Amendment Act, 1988*, SO 1988, c 58

### Repository Citation

Ontario (1988) "c 58 Occupational Health and Safety Amendment Act, 1988," *Ontario: Annual Statutes*: Vol. 1988, Article 67.

Available at: [http://digitalcommons.osgoode.yorku.ca/ontario\\_statutes/vol1988/iss1/67](http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1988/iss1/67)

This Statutes is brought to you for free and open access by the Statutes at Osgoode Digital Commons. It has been accepted for inclusion in Ontario: Annual Statutes by an authorized administrator of Osgoode Digital Commons.

## CHAPTER 58

### An Act to amend the Occupational Health and Safety Act

*Assented to November 2nd, 1988*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsections 22b (1), (2) and (3) of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, are repealed and the following substituted therefor:

(1) An employer,

- (a) shall ensure that all hazardous materials present in the work place are identified in the prescribed manner;
- (b) shall obtain or prepare, as may be prescribed, an unexpired material safety data sheet for all hazardous materials present in the work place; and
- (c) shall ensure that the identification required by clause (a) and material safety data sheets required by clause (b) are available in English and such other languages as may be prescribed.

Hazardous  
material  
identification  
and data  
sheets

(2) No person shall remove or deface the identification described in clause (1)(a) for a hazardous material.

Prohibition

(3) An employer shall ensure that a hazardous material is not used, handled or stored at a work place unless the prescribed requirements concerning identification, material safety data sheets and worker instruction and training are met.

Hazardous  
material not  
to be used

**2.** Section 22c of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by adding thereto the following subsection:

Idem

(5a) An employer who makes a material safety data sheet readily accessible on a computer terminal at a work place,

- (a) shall take all reasonable steps necessary to keep the terminal in working order;
- (b) shall give a worker upon request a copy of the material safety data sheet; and
- (c) shall teach all workers who work with or in proximity to hazardous materials, the health and safety representative, if any, at the work place and the members of the committee how to retrieve the material safety data sheet on the computer terminal.

**3.—(1) Subsections 22e (1) and (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, are repealed and the following substituted therefor:**

Confidential  
business  
information

(1) An employer may file a claim with the claims board for an exemption from disclosing,

- (a) information required under this Part in an inventory, label or material safety data sheet; or
- (b) the name of a toxicological study used by the employer to prepare a material safety data sheet,

on the grounds that it is confidential business information.

Idem

(1a) An application under subsection (1) shall be made only in respect of such types of confidential business information as may be prescribed.

Powers and  
duties of the  
claims board

(2) The claims board shall exercise the powers and perform the functions of the Hazardous Materials Information Review Commission under sections 11 to 18 and 20 to 27 of the *Hazardous Materials Information Review Act* (Canada).

S.C. 1987,  
c. 30

**(2) Subsection 22e (5) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after “and” in the fourth line “for three years”.**

**4. Subsection 22g (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after “developed” in the second line “and implemented”.**

**5. Subsection 34 (1) of the said Act is amended by adding thereto the following clauses:**

(aa) no inspector or other person who receives directly or indirectly from the claims board designated under subsection 22e (7) information provided to the claims board by an employer shall disclose it;

. . . . .

(ba) no person shall use or disclose to any person information acquired, furnished, obtained or received under this Act or the regulations that is confidential business information or in respect of which a claim is pending under subsection 22e (1).

**6. Subsection 41 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 7, is further amended by adding thereto the following paragraphs:**

4a. exempting an employer from the requirements of clause 22b (1) (a) or (b) with respect to a hazardous material;

. . . . .

25. prohibiting an employer from altering a label on a hazardous material in prescribed circumstances;

26. prescribing the criteria to be used by the claims board to determine whether information is confidential business information in an application under subsection 22e (1);

27. requiring an employer to disclose to such persons as may be prescribed the source of toxicological data used by the employer to prepare a material safety data sheet;

28. prescribing the format and contents of a material safety data sheet.

**7. The Regulation known as the Workplace Hazardous Materials Information System (WHMIS) Regulation is not invalid by reason only of the fact that this Act was not in force at the time it was made.**

WHMIS  
Regulation

Commence-  
ment

**8.** This Act shall be deemed to have come into force on the 31st day of October, 1988.

Short title

**9.** The short title of this Act is the *Occupational Health and Safety Amendment Act, 1988*.

